

Original filed 5/1/07

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9 NOT FOR CITATION

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12
13 JOHNDELL HENDERSON,) No. C 05-0857 JF (PR)
14 Plaintiff,) ORDER OF DISMISSAL
15 v.)
16 M.S. EVANS, et. al.,)
17 Defendants.)
18

19 Plaintiff, a state prisoner proceeding pro se, filed a civil rights complaint pursuant to 42
20 U.S.C. § 1983 against Salinas Valley State Prison officials. On October 5, 2006, the Court
21 issued an Order to Show Cause to Plaintiff as to why the case should not be dismissed without
22 prejudice for his failure to exhaust his administrative remedies. The Court notified Plaintiff that
23 failure to file a response would result in the Court dismissing the instant complaint without
24 prejudice. On October 13, 2006, the Court's order was returned by mail as undeliverable. As of
25 the date of this order, Plaintiff has not communicated with the Court.

26 The Court may, without prejudice, dismiss a complaint or strike an answer when: (1)
27 mail directed to the attorney or the pro se party by the court has been returned to the court as not
28 deliverable, and (2) the Court fails to receive within sixty days of this return a written

1 communication from the attorney or pro se party indicating a current address. See Civil L.R. 3-
2 11(b); see also *Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) (affirming dismissal with
3 prejudice of pro se prisoner's complaint for failing to notify court of his change of address
4 despite local rule providing that case be dismissed without prejudice because any lesser sanction
5 would impose affirmative obligation for district courts to track down pro se prisoners).

6 Accordingly, the instant action is DISMISSED without prejudice for Plaintiff's failure to
7 notify the Court of his current address and failure to prosecute pursuant to Rule 41(b) of the
8 Federal Rules of Civil Procedure. The Clerk shall terminate any pending motions and close the
9 file.

10 IT IS SO ORDERED.

11 DATED: 4/30/07



12 JEREMY FOGEL
13 United States District Judge

1 A copy of this ruling was mailed to the following:

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3 Johndell Henderson
D-78769
4 Salinas Valley State Prison
P.O. Box 1050
5 Soledad, CA 93960-1050

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